

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:05-CV-00460-BR

ROBIN PURCELL,

Plaintiff,

v.

Z. A. MORSE,

CITY OF RALEIGH POLICE DEPARTMENT,

Defendants.

ORDER

This matter is before the court on plaintiff's *pro se* motion to seal filed 31 January 2012.

By way of background, on 18 September 2006 and on the motion for summary judgment of the remaining defendant, Z.A. Morse, the court dismissed this 42 U.S.C. § 1983 action. Plaintiff appealed, and the Fourth Circuit Court of Appeals affirmed. Purcell v. Morse, No. 06-2133 (4th Cir. Mar. 27, 2007). Now, nearly five years later, plaintiff requests that this case be sealed "due to medical records"; "to uphold [plaintiff's] patient privacy"; and "to protect [plaintiff's] patient confidentiality." As far as the court is concerned, this civil rights action had little to do with plaintiff's health, other than her claimed damages. The court resolved the case on liability, not damages.

In defendant Morse's brief in support of his motion for summary judgment, there is one reference to a medication plaintiff was taking; plaintiff had claimed during her deposition that she could not recall certain information due to a side effect of her medication. (Def.'s Mem., DE # 49, at 14 n.5.) Plaintiff quotes that one reference in her response brief. (Pl.'s Opp'n, DE # 52,

at 7.) There are some additional references to plaintiff's health care providers¹ and mental health in her deposition testimony and accompanying exhibits. However, those references are not particularly detailed, and the deposition and exhibits were not filed electronically, thus any access to those documents is necessarily limited.

Plaintiff's motion is DENIED.

This 28 February 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge

¹Incidentally, the deposition of plaintiff's health care provider, Patricia Heasty, was stricken from the record by the court's 18 September 2006 order.